

2016

Kent County Farmland Preservation Program

Purchase of Development Rights: Ranking System for Landowner Applications

P.A. 262 of 2000 created the state Agricultural Preservation Fund, whose purpose is to provide state matching funds for local farmland preservation programs. In order for a county to be eligible for state funding, counties must have a comprehensive plan or a regional plan not more than 10 years old and must have established a local purchase of development rights program (authorization given under the Michigan Zoning Enabling Act as amended on February 29, 2008).

The following ranking system is proposed for use by Kent County to evaluate and prioritize Purchase of Agricultural Conservation Easements (PACE) or Purchase of Development Rights (PDR) applications by landowners interested in voluntarily protecting farmland from development.

The 2002 Kent County Purchase of Development Rights Ordinance stated a goal of preserving 25,000 acres of prime and unique farmland in the county by the year 2013. 25,000 acres is approximately 15% of the total amount of farmland in the county (2007 Ag Census) and 4.6% of the county's total land area. (Note: In 2007, Kent County had approximately 170,000 acres of farmland.)

The objective of this rating system is to prioritize farmland parcels on a sub-regional basis, and determine the priority farms in each sub-region for preservation. In 2009, the Kent County Agricultural Preservation Board created a map outlining the four targeted sub-regions:

Fruit Ridge Sub-region:	Alpine, Sparta and Tyrone Townships
North Sub-Region:	Nelson, Solon, Spencer, Algoma, Courtland, Oakfield Twps
Parnell Sub-Region:	Cannon, Grattan, Vergennes, Ada Townships
South Sub-Region:	Cascade, Lowell, Bowne, Caledonia and Gaines Townships

After all parcels have been scored, the Agricultural Preservation Board will then review and evaluate the highest scoring parcels and recommend to the County Board of Commissioners parcels for their approval to proceed with the purchase of the agricultural conservation easement.

This is a fluid document that will be evaluated annually.

PRELIMINARY INFORMATION

A. Has the application form been signed by the landowner of the property? If not, the property will not be considered further. (*Purpose: This is a voluntary program based on the landowner's desire to participate.*)

B. Is at least 51% of nominated property devoted to agricultural use (pasture, cropland, etc)? If no, the property will not be considered further under this farmland preservation program as it will not be eligible to receive federal or state matching funds. Management of a woodlot is not considered an agricultural use under the state legislation, however, woodlots may be a part of the property in the PDR application. (*Purpose: This is a program to help create a long-term business environment for agriculture and to insure the resource base for agricultural production.*)

C. Has the local township provided written approval regarding the landowner's application to the county? If a township administers its own zoning and recommends denial of the application, the property will not be considered further. Approval of specific parcels by a township may take into account the desire of a township to participate in the county program and consistency with the local master plan. *(Purpose: Allows local input into the process.)*

D. Is the property slated for commercial or industrial use in the Township's Comprehensive Land Use Plan? Is the property within the 2020 Urban Services District as designated by the Grand Valley Metro Council? Is the property within the boundaries of a city or village? If the answer is yes to any of the questions, the property will not be considered further. *(Purpose: The program is not to restrict planned development and insures that areas planned for economic development by the community will be available. Additional considerations taken into account in the scoring system.)*

E. Are agriculture activities a permitted use on the parcel under current zoning? If no, the property will not be considered further. *(Purpose: If the parcel is zoning strictly for residential or non-agricultural uses, then protection for agricultural purposes would not make sense.)*

F. Can the property be developed under current zoning? *(Purpose: If the property cannot be developed, there are no development rights available to purchase and the property should be considered already preserved.)*

G. For Michigan Agricultural Preservation Fund Qualified Townships: Is the property located within the township's farmland preservation area on the Future Land Use Map of the township's most recent master plan? If not, the property is not eligible for state grant funding. As of January 2012 the following townships have qualified master plans for state PDR grant funding: Ada, Alpine, Bowne, Cascade, Courtland, Grattan, Lowell, Nelson, Sparta, Vergennes.

H. Does the landowner control all rights associated with the property, such as minerals rights? (If no, are the owners of the mineral rights willing to sign a subordination agreement? If yes, are the mineral rights presently leased out? Applications may be submitted to the USDA NRCS Agriculture Conservation Easement Program (ACEP) for matching funds. The ACEP Program does not automatically allow the exploration or extraction of minerals on the easement area, and the application may not proceed if the landowner does not control all mineral rights. *(Purpose: It is important that the ownership and use of mineral rights be subordinate to the agricultural conservation easement. Mineral extraction may be allowed provided that the use of the land for agriculture is not negatively impacted (e.g. surface mining would not be acceptable). Funds may come from various sources. In the event funds other than ACEP are used to purchase the easement, mineral rights exploration and extraction may be permitted depending on the language of the easement and lease.*

I. Due to limited funding, a maximum of one application per farm operation will be selected for appraisal per application cycle.

USDA NRCS AGRICULTURE CONSERVATION EASEMENT PROGRAM (ACEP) REQUIREMENTS

A. 51% of the property currently used for productive agriculture.

B. A minimum of 50% prime and unique soils according to USDA definition.

- C. Township approval of application.
- D. Landowner compliance with state and federal environmental regulations.
- E. Landowner(s) farm and non-farm income does not exceed USDA limits. (Tax records will be required as evidence of income.)
- F. 25% landowner donation with additional local government or private donation support or 50% local (local = landowner, local unit of government, private donations, state funds or a combination of) matching funding secured at the time of application to the federal program.
- G. Option agreement offered to or signed by landowner at the time of application to the federal program.
- H. Prior to closing, the landowner must work with the USDA NRCS officer to develop a Resource Management System Level conservation plan and must sign the conservation easement restricting the use of the property in the PDR Program. The USDA prevents ANY splitting of the property in the PDR Program.

TOTAL MAXIMUM POINTS = 100

AGRICULTURAL CHARACTERISTICS (50 points)

I. Agricultural Productivity - Maximum Points: 25

Priority is placed on productive farmland that has the highest capacity for agricultural production. The parcel will be scored according to the soils rating. The soils rating is based on a grouping of soil classifications established by the USDA-NRCS according to the potential yield capabilities for agricultural use (yield potentials established by USDA). The percentage of agriculturally productive soils will be calculated by local conservation district staff utilizing county USDA soil survey maps. This percentage will be multiplied by the maximum points allowed for each soil grouping and the total from each grouping will be added for a total score for agricultural productivity.

SOILS RATING

Soil Classification Groupings

Group 1 – Group 2	25 pts
Group 3 – Group 4	20 pts
Group 5 – Group 6	15 pts
Group 7 – Group 8	10 pts
Group 9 – Group 10	0 pts

An additional 10 points may be awarded, not to exceed a total of 25 points for the category, for the percentage of land area that is under irrigation or where irrigation infrastructure is available (e.g. sandy soils used for potato production).

An additional 10 points may be awarded, not to exceed a total of 25 points for the category, for land that is under specialty crop production on muck soils.

Example: 70% of parcel has Group 2 soils x 25 pts = 17.5 pts
 30% of parcel has Group 3 soils x 20 pts = 6 pts

Total points = 23.5 pts

FRUIT SITE RATING

(Rating Source: surfex, drainage, slope l and slope h filed of soil survey)

Soil Factors

Texture – Maximum Points: 2

Sand and Fine Sand	1.0 pt
Sandy – Loamy Sands*	1.75 pts
Sandy Loam and Fine Sandy Loam	2.0 pts
Loam and Silt Loam	1.5 pts
Organic	0.0 pts
*(includes gravelly loamy sand, loam fine sand and loamy sand)	

Drainage – Maximum Points: 3

Well drained	3 pts
Moderately well drained	2 pts
Somewhat poorly drained	1 pt
Poorly and very poorly drained	0 pts

Physiographic Factors

Slope – Maximum Points: 4

6 to 12%	4 pts
0 to 6%	3 pts
12 to 18%	2.5 pts
Over 18%	1 pt

Climate – Maximum Points: 1

Western Half of Kent County	1 pt
Eastern Half of Kent County	0 pts

Air Drainage – Maximum Points: 15

Uninterrupted air drainage to major air storage basin	15 pts
Minor obstruction to air drainage to major air storage basin	10 pts
Poor drainage of air	1 pt

II. Size of Parcel(s) – Maximum Points: 5

Emphasis is placed on larger parcels to help create a more economically viable unit for agricultural production. The number of points for parcel size is based on amount of acreage.

120 or More Acres in size	5 pts
75 to 119.9 Acres in size	4 pts
38 to 74.9 Acres in size	3 pts
20 to 37.9 Acres in size	0 pts
Less than 20 acres in size	Subtract 10 points from total score

Note: The Agricultural Preservation Board may decide not to deduct points for parcels less than 20 acres in size if either: 1) the parcel is adjacent to or within a previously protected property or 2) if the parcel is deemed to provide a substantial amount of income or contributes significantly to the owner's household income – e.g. greater than \$10,000 in gross farm sales from the property. (Two parcels under the same ownership may be submitted as one application provided the parcels are not further apart than ½ mile.

III. Farm Improvements – Maximum Points: 5

Points are awarded if a minimum of 25% of the property to be preserved is irrigated or tiled. Standard farming practices such as liming are not awarded points.

Minimum of 25% of property in application is irrigated and/or tiled	5 pts
Less than 25% of property in application is irrigated and/or tiled	0 pts

IV. Conservation Plan – Maximum Points: 5

Points are awarded for property that has an approved and implemented conservation plan adopted by the landowner and USDA-NRCS to help maintain the agricultural productivity and environmental health of the land.

Implemented Conservation Plan	5 pts
No Conservation Plan Adopted	0 pts

NOTE: 10 points will be deducted if the farm operation, in the last three years, has been found by the Michigan Department of Agriculture to be in violation (problem has not be resolved within the allotted time frame) of the Michigan Right to Farm Act or has been found to be in violation of state environmental statutes.

V. Amount of Public Road Frontage – Maximum Points: 5

Parcels that include lands along public roads will be given higher priority. Protected road frontage preserves scenic views, reduces development and traffic near productive agriculture and protects the agricultural integrity of the property and the surrounding area. Note: Land locked parcels will receive zero points for this criterion.

Road frontage is ¾ of a mile or more	5 points
Road frontage is ½ mile or more but less than ¾ of a mile	4 points
Road frontage is a ¼ mile or more but less than ½ mile	3 points
Road frontage is less than a ¼ mile	2 points
No road frontage	0 points

VI. Amount of Land in the Surrounding Area in Agriculture Use – Maximum Points: 5

Parcels located in areas which are still predominantly in agriculture use will be given a higher priority rather than those parcels which have already become a more isolated “island” of agriculture. A one-mile radius from the center of the parcel (approximately 2,000 acres) will be used to calculate the percentage of land still in agriculture production.

75% or more of the surrounding land area is in agriculture production	5 pts
50% or more but less than 75% of the surrounding area is in agriculture production	3 pts

25% or more but less than 50% of the surrounding area is in agriculture production	2 pts
Less than 25% of the surrounding area is in agriculture production	0 pts

VII. Reserved Future Building Sites – Subtraction of Points

In order to preserve large blocks of contiguous farmland, PDR applications that contain any additional future residential building sites, will result in a loss of 10 points and 5 points for each additional building site.

PDR applications that exclude non-prime farmland areas of the property in the application in order to meet the 50% prime farmland and/or 51% tillable/productive agriculture federal and state requirements will not result in a loss of points.

One reserved future building sites	Subtract 10 points
Two reserved future building sites	Subtract 15 points
Three reserved future building sites	Subtract 20 points
Removal of non-prime farmland to meet federal/state requirements	No loss of points

DEVELOPMENT PRESSURE (5 points)

VIII. Proximity to Existing Public Sanitary Sewer and/or Water – Maximum Points: 5

Additional priority is placed on parcels designated by the township as a priority for preservation (in the master plan or otherwise) that are close to existing water and sewer lines. The Kent County Agricultural Preservation Board feels it is important to create a buffer of preserved farmland just beyond the existing or planned service area to have the greatest impact on protecting the local agricultural industry. This will be done only if the township is supportive of the farm/parcel(s) being preserved. Linear distance to existing, usable public sanitary sewer and/or water service (transmission lines not included) will result in the following scoring options:

Less Than ½ mile from sewer or water	5 points
½ Mile or more but less than 1 ½ miles	4 points
1 ½ Miles or more but less than 3 miles	3 points
3 Miles or more but less than 5 miles	2 points
5 Miles or more	0 points

ADDITIONAL AGRICULTURAL PROTECTION EFFORTS (29 points)

IX. Block Applications – Maximum Points: 10

Points will be awarded to all applications where applicants acknowledge on their written application form that they are applying to the Kent County PDR Program in collaboration with a neighboring contiguous or across the street parcel. In order for points to be awarded, both property owners must write the other's name on their application form. For property owners that own large amounts of contiguous properties under separate PDR applications, points will be awarded for blocks over 300 acres in size. Again, block applications must be contiguous or directly across the road from one another.

Two property owners submitting a block application	5 pts
One property owner submitting a block application (over 300 acres)	5 pts

Three or more property owners submitting a block application 10 pts

X. Location to other protected property – Maximum Points: 6

Priority is placed on parcels which are adjacent to other previously protected land to help create a block of preserved farmland, helping to create a long-term business environment conducive to agriculture and protecting the public's investment by minimizing the potential for the parcel to be surrounded by development. The potential for future land use conflicts is also minimized when blocks of agricultural land can be protected or buffered from future development.

- A. Parcel is near other private land which has already been *permanently* protected from development through a conservation easement or deed restriction (development rights may have been purchased, transferred or donated).

Parcel is adjacent to protected land	6 pts
Parcel is not adjacent but within 1/2 mile of protected land	5 pts
Parcel is not adjacent but between 1/2 and 1 mile	4 pts
Parcel is not adjacent but between 1 and 2 miles	3 pts
Parcel is not within 1 mile of protected land	0 pts

- B. More than 50% of the land within 1 mile (4 square miles area) of the perimeter of the parcel is enrolled in the Farmland and Open Space Preservation Act (PA 116) OR if the parcel is adjacent to land under public ownership that is specifically designated for long-term natural resource use or conservation purposes protected from development.

4 pts total, if not, 0 pts

*Example: Parcel is adjacent to a previously protected farmland parcel = 5 pts
75% of the surrounding land within 1 mile is in P.A. 116 = 4 pts*

XI. Agricultural District Zoning Designation – Maximum Points: 10

Additional points are given to properties that are within a designated agricultural district or area, in which the township has taken steps to help minimize the overall residential density in agricultural areas, helping to protect the public investment and the farming operation. An eligible agricultural area is considered where the maximum residential density of one dwelling per 20 acres AND the zoning also allows the houses to be built on 3 acre lots or smaller (rather than just requiring a large minimum lot size for a building site). For example, the maximum number of houses that could be built on an 80-acre parcel is four but the four houses can be built on eight acres or less (3 – 2 acre lots) to minimize resource fragmentation.

Agricultural District or Area (Restricts and clusters residential development, 1:20)	10 pts
Non-Agricultural District or Area (greater than 1:20 dwelling density)	0 pts

OTHER CRITERIA (16 points)

XII. Township Matching Funds – Maximum Points: 5

Additional points are awarded to properties where the township financially supports the purchase of development rights. The highest priority will be given when a township makes a significant financial contribution to the property and has a line item in the township's annual budget for farmland preservation.

A minimum of \$2,000 contribution from the township	3 pts
A line item in the township's annual budget to support farmland preservation	2 pts

XIII. Additional Matching Funds – Maximum Points: 5

Emphasis will be placed on properties that have additional matching funds other than county or state sources. The county may establish and require a minimum local match. Matching funds could be money contributed by townships, private or non-profit sources or could be a landowner willing to accept an offer for development rights less than the appraised value (up front commitment to accept a certain percent discount. However, due to the fact that an appraisal of the value of the development rights will be conducted after the scoring of applications, points will be awarded for contributions related to the State Equalized Value (SEV) of the property. (e.g. 10% of the SEV of the property).

A letter of commitment regarding matching funds must accompany application. As a result, priority consideration will be given to parcels which townships have agreed to provide additional funding, above and beyond a minimum match established by the county, if any.

25 Percent or more of the SEV	5 pts
15 to 24 Percent of the SEV	4 pts
10 to 14 Percent of the SEV	3 pts
5 to 9 Percent of the SEV	2 pts
1 to 4 Percent of SEV	1 pts

14. Unique Environmental or Historical Characteristics – Maximum Points: 3

Additional points will be given to parcels that have unique physical or environmental characteristics. This includes but is not limited to: a certified organic farm, significant scenic vistas, trout stream or water feature, historical significance (including centennial farm), and/or archeological features. Prime soils are not considered to be a unique feature as it is a requirement.

Parcel has unique features	3 pts
Parcel does not have unique features	0 pts

15. Enrolled under public access program – Maximum Points: 3

Additional points will be given to parcels that are enrolled in the Department of Natural Resources Public Hunter Access Program or if the property is part of a broader public access program such as a public trail.

Parcel is enrolled	3 pts
Parcel is not enrolled	0 pts